



PROGRAM ANNOUNCEMENT

AGRICULTURAL MARKETING SERVICE

United States Department of Agriculture ♦ 1400 Independence Ave., SW ♦ Room 3510-S

Washington, DC 20250 ♦ (202) 720-8998 ♦ World Wide Web: <http://www.ams.usda.gov>

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Joan Shaffer (202) 720-8998

Joan.shaffer@usda.gov

Billy Cox (202) 720-8998

billy.cox@usda.gov

USDA PUBLISHES FINAL RULE TO REVISE NATIONAL ORGANIC PROGRAM REGULATIONS

WASHINGTON, June 5, 2006 – The U.S. Department of Agriculture will publish a final rule in the *Federal Register* June 7 that revises the National Organic Program (NOP) regulations to comply with the final court order in the *Harvey v. Johanns* lawsuit and implement the 2005 amendments to the Organic Foods Production Act of 1990 (the Act or OFPA).

The final rule restores the National List of synthetics used in products labeled as “organic” to the pre-lawsuit status made by the 2005 amendments to the Act. The effective date of this final rule revision is June 7, 2006, the date of the final rule’s publication in the *Federal Register*.

The final rule revises the NOP regulations to clarify that non-organically produced products listed in section 205.606 of the regulations may be used as ingredients in or on processed products labeled as “organic” only when such organic products are not commercially available. The effective date of this final rule revision for section 205.606 is June 9, 2007.

The final rule also revises section 205.236 of the NOP regulations to eliminate what is commonly known as the “80/20” feed provision, and no milk may be labeled as organic and enter the stream of commerce after June 9, 2007, as a result of the 80/20 feed provision. Thereafter, transitioning dairy producers will no longer be able to use 20 percent non-organic feed during the first nine months of whole herd conversion from conventional to organic production.

The final rule further addresses dairy herd conversion by allowing crops and forage from land, included in the organic dairy system plan, of a dairy farm that is in its third year of organic management to be fed to the converting animals. The effective date of this revision is June 7, 2006, the date of the final rule’s publication in the *Federal Register*.

Many commenters asked USDA to address the current two-track system for converting dairy replacement animals. USDA intends to engage in further rulemaking to address this issue.